

SUMMARY MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, May 16, 2007 - 3:30 p.m.

PUBLIC HEARINGS – 5:30 P.M.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at www.ci.stpaul.mn.us/council and click on Watch the Live Webcast.

The meeting was called to order at 3:30 p.m. by Council President Lantry. Present -7 – Benanv, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune Absent -0

CONSENT AGENDA (Items 1 - 14)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Councilmember Bostrom moved approval of the consent agenda.

Adopted Yeas - 7 Nays - 0

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

- 1. Claims of Anthony Bello, Sara Johnson, Francesca Stirpe, Timothy Thompson, and Mary Werner.
 - Referred to Risk Management
- 2. Letters from the Department of Safety and Inspections/Code Enforcement declaring 1126 Edgerton Street, 941 Greenbrier Street, 707 Kent Street, and 1155 Payne Avenue as nuisance properties, and setting date of Legislative Hearings for May 15, 2007 and City Council public hearings for June 6, 2007.
- 3. Administrative Orders:

D002654 Transferring budget authority in the Police Department's 2007 General Fund Budget for reorganization of the Department.

D002655	Transferring budget authority within the Mayor's Office to cover	
	2006 year-end variances.	
D002656	Transferring budget authority within the Office of Financial Services	
	General Government Accounts to cover 2006 year-end variances.	
D002657	Transferring budget authority within the Office of Financial Services	
	Vendor Outreach Program to cover 2006 year-end variances.	
D002658	Transferring budget authority within the City to cover 2006 year-end	
	variances.	
D002659	Transferring budget authority in the Office of Technology and	
	Management Services- Citizen Services to cover 2006 year-end	
	variances.	
D002660	Transferring budget authority in the Office of Technology and	
	Management Services- Administration to cover 2006 year-end	
	variances.	
On file with the City Clerk		

FOR ACTION

4. Approval of minutes of April 25, 2007.

Adopted Yeas - 7 Nays - 0

5. Resolution – 07-428 – Approving the Memorandum of Agreement between the City and the Sheet Metal Workers International Association, Local #10, 2007 Wage and Fringe Adjustment. (To be laid over one week for adoption)

Adopted Yeas - 7 Nays - 0

6. Resolution – 07-429 – Establishing a Legislative Advisory Committee to develop a model for preserving civil liberties during the 2008 Republican National Convention.

Adopted Yeas - 7 Nays - 0

7. Resolution – 07-430 – Memorializing City Council action taken May 2, 2007 imposing adverse action against all licenses held by Reese-Brooks Hospitality Industries, LLC, d/b/a Minnehaha Lanes, 995 Seminary Avenue.

Adopted Yeas - 7 Nays - 0

8. Resolution – 07-431 – Approving payment in the amount of \$9,302.74 to American Family Insurance Company (Terrance Sobolewski), in full settlement of their claim against the City of Saint Paul.

Adopted Yeas - 7 Nays - 0

9. Resolution – 07-432 – Approving a lease agreement from May 1, 2007 through October 31, 2008 between Hillcrest Shopping Center, LLC and the City's Department of Neighborhood Housing and Property Improvement (DSI).

Adopted Yeas - 7 Nays - 0

10. Resolution – 07-433 – Establishing a spending and financing plan in the Department of Fire and Safety Services, and accepting a grant received from the State of Minnesota for the 2007 Influenza Pandemic Planning Grant.

Adopted Yeas - 7 Nays - 0

11. Resolution – 07-434 – Amending the spending and financing plans in the Police Department and accepting a grant received through the State of Minnesota for the statewide Criminal Gang Strike Force program.

Adopted Yeas - 7 Nays - 0

12. Resolution – 07-435 – Establishing a spending and financing plan between the Police Department and the State of Minnesota's Department of Public Safety to support an Intelligence Analyst Position at the Information Sharing and Analysis Center (ISAC) for the Homeland Security Grant Program.

Adopted Yeas - 7 Nays - 0

13. Resolution – 07-436 – Authorizing the Department of Public Works to purchase a tax-forfeited parcel abutting a public alley between I-94, Etna Street, East Third Street, and Birmingham Street.

Adopted Yeas - 7 Nays - 0

14. Resolution – 07-437 – Authorizing the release of a public sewer easement north of Magnolia Avenue between Johnson Parkway and Barclay Street in conjunction with the Phalen Crossing housing project.

Adopted Yeas - 7 Nays - 0

FOR DISCUSSION

15. Resolution – 07-402 – Advocating that Saint Paul's U.S. Congressional Delegation and Minnesota's U.S. Senators support legislation to reduce CO2 and other greenhouse emissions. (Laid over from May 9)

Councilmember Montgomery said she has not spoken with Congresswoman Betty McCollum regarding concerns. She shared a recent newspaper article from the Pioneer Press which recognized Senator Amy Klobuchar who made the environment a key issue in her Senate campaign. She is now proposing a national registry of greenhouse gas emissions as part of an attempt to reduce the emissions. The article talks about a system

that limits carbon emissions and makes companies pay for producing greenhouse gases. The carbon counter appears to be a good way of measuring the emissions. The bill would require facilities to report emissions to the EPA. Montgomery said that a doctor in her ward brought the information to her attention and asked her to bring forth a resolution to seek the support of the Congressional Delegation.

Councilmember Montgomery moved approval

Adopted Yeas - 7 Nays - 0

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE <u>SAINT PAUL LEGAL LEDGER</u>. PUBLIC HEARINGS ON ORDINANCES ARE HELD AT THE THIRD READING.

16. Final Adoption – 07-336 – An ordinance amending Chapter 33.07 of the Saint Paul Legislative Code to clarify language requirements regarding fencing at a corner lot location. (Laid over from May 9)

Councilmember Harris moved to lay over one week

Laid over to June 23 Yeas - 7 Nays - 0

- Second Reading 07-401 An ordinance establishing a Qualifications and Examining Committee for the position of Fire Chief.
 Laid over to June 6 for third reading/public hearing
- 18. Second Reading 07-424 An ordinance memorializing City Council action granting the application of Selby Area Community Development Corporation to rezone property at 940 Selby Avenue from B2 (Community Business) to TN1 (Traditional Neighborhood). (ZF 07-013-828) (Public hearing held April 18, 2007) Laid over to May 23 for third reading
- 19. Second Reading 07-425 An ordinance memorializing City Council action granting the application of Ms. Alison Kern to rezone property from TN2 (Traditional Neighborhood) and VP (Vehicular Parking) to B2 (Community Business) at 1172-1180 Arcade Street, 0 Rose Avenue, and 838 Maryland Avenue East. (ZF 07-022-851) (Public hearing held April 18, 2007)

Laid over to May 23 for third reading

Councilmember Thune said that over the past year or so they have been looking at the parcel of land in front of where the parking garage will be built on the Seven Corners area. During the

past year, Tim Griffin of the Design Center met with the West Seventh Street Federation and the Capitol River Council and they came up with a way to evaluate different proposals.

Tim Griffin distributed a handout, which he reviewed, and also showed slides. In June of 2006 a committee was formed with the Department of Planning and Economic Development to look at what the criteria would be for building on that site plus keeping in mind the upcoming Republican National Convention. Kay Baker from St. Joseph's Hospital chaired the Task Force and they worked with Sheila Lynch from Capitol River Council and her successor at the district council, Lucy Thompson, PED, Mark Bastian, and Martin Schieckel, Police Department, the project manager. They did a physical look at the site and Mr. Griffin noted the criteria and findings of uses for the site. Developers will be provided a CD model.

A lengthy discussion was held on architectural character and how the building fits into the skyline, materials, etc.

Councilmember Thune asked about the connection between United and St. Joseph's Hospitals. Mr. Griffin responded that they had representatives from both hospitals. The importance of health care has always been kept in mind and there may be a component that could be shared by those two hospitals as well as Regions Hospital. The building is ground floor retail to connect East and West Seventh Street and to support Xcel Energy Center, the entertainment district, and the neighborhood main street. Above the ground floor can be other types of office space, and the third component would be housing – rental, condos, or hotels.

Further discussion ensued between Mr. Griffin and the Council.

The meeting was recessed from 4:00 p.m. to 5:30 p.m.

Present - 6

Absent -1 – Thune (arrived after roll call)

PUBLIC HEARINGS

20. Public hearing to consider the application of Firstborne Properties to rezone property from R4 (One-Family Residential) to B2 (Community Business) at 1337 Pascal Street North (southwest corner at Bison Avenue). [ZF 07-027-041]

Allan Torstenson, Department of Planning and Economic Development, presented a staff report. The Planning Commission recommended denial. At the public hearing of the Zoning Committee, three people spoke in support, 17 letters were received in support, two people spoke in opposition, and two letters were received in opposition. Fourteen additional letters in support were received after the hearing. This building was built in 1928 as a pharmacy and grocery store. Prior to 1975, under the zoning code, the property was zoned commercial. The building and use of the building became legally non-

conforming in 1975. In December of 2004, the Planning Commission approved a change of non-conforming use from Office Warehouse on the first floor with an apartment on the second floor and a coffee shop and flower shop on the first floor. Shortly after that, the Planning Commission approved a parking variance of seven spaces. There would normally be 11 parking spots required for those businesses. As a coffee shop, food service is limited to food items that are allowed under a Restaurant C license which includes beverages, bakery products, or pre-packaged foods. The applicant would like to obtain a Restaurant B license in order to sell non pre-packaged foods such as soup, sandwiches, pizza, and ice cream. Restaurants that are able to serve those items are first allowed in TN2 and B2 zoning districts which is the reason for the re-zoning request.

Steve Finnegan, owner of the building where Java Train is located, said they would like to expand their license to include additional foods as indicated by Allen Torstenson. They are looking at what their customers are asking for and said the vast majority of people are in favor of the change. The people who are concerned about the change have raised an issue that it might change from the family-orientated business it is and that is not their intent. Concern was also raised about property values going down which Finnegan disputed. Parking is another issue people have raised but he contented this would also not be a problem. They have talked to staff at the church across the street about using their parking lot which may be a possibility. They are not asking to extend their hours but only to add more food in order to expand their business.

Dennis O'Rourke, resident of the area, said Java Train has brightened the neighborhood and he would like to see their variance approved.

Karl Batalder, 1441 Frankson Avenue, said he and his wife own property next to Java Train. Prior to Java locating there, the property was an eyesore so it has been a big asset to the community.

Jim Hendrickson, 1452 Holton Street, said this is a neighborhood oriented business – one people can walk to. He does not feel parking is going to be an issue. The owners made an investment in property that was previously an eyesore. He feels they should be encouraged to expand their business.

Josh Courteau, 1445 Frankson Avenue, said they would be inconvenienced if there was a parking issue, but he feels it will not be a problem. He said they want to see Java Train remain and they need the support of the community.

Speaking in opposition to the applicant were the following:

Bill Sylvester, 1463 Midway Parkway, stated that Java Train does have an impact on his house and the use of his property. He is concerned about parking saying that the owners want to double the interior seating and he questioned where cars would park. He brought up the issue of spot zoning saying that Zoning staff, the Zoning Committee and the Planning Commission all said it was spot zoning. Mr. Sylvester said he feels it meets the criteria of spot zoning. He said he was also concerned about living next to a business that serves alcohol. In December, Java Train was applying to the State Legislature for an exemption to allow them to apply for a liquor license and that is not acceptable in B2. Under B2, they could double the interior seating more than once. He urged the Council to go back to the conditional use permit, maintain the 9:00 p.m. closing, maintain the current interior seating, but look at the food issue.

Craig Jahren, 1338 Simpson, said he lives directly behind the establishment. The business has been an asset but he also is concerned about parking.

Sharon Dzik, 1339 Simpson, concurred that Java has been an asset but she also has concerns. She said she feels the neighbors do not have enough information and she has a concern about a possible liquor license.

Councilmember Benanav moved to close the public hearing. Yeas -7 Nays -0

Councilmember Benanav moved to grant the application and explained his reasons. Presently they can't even serve ice cream, he said. He noted the many e-mails he received in support and said he would hate to see this building lost by denying their request. A beer and wine license may be considered in the future.

Councilmember Helgen suggested rather than change the zoning, there may need to be an ordinance change or another strategy so food can be served under these circumstances. If it's changed dramatically, the character will change. Councilmember Benanav responded that he did look at other options and this is what needs to be done.

Councilmember Harris spoke in support of the motion. He said they must deal with the zoning ordinance but they also must protect the things that the community respects and enjoys.

Councilmember Bostrom asked if conditions could be added to a beer and wine license. Benanav responded that conditions could be placed on it at the time of the application.

Council President Lantry acknowledged that this is a good business, however, she has an issue with the spot zoning. She said she would like to see a change in the City Code to allow coffee shops to sell non-pre-packaged food.

Motion of Intent – Application Granted Yeas – 6 Nays – 1 (Lantry)

21. Final Order – 07-438 – In the matter of constructing new sidewalk on the north side of Englewood Avenue from North Dunlap Street to North Lexington Parkway [S0701]; new sidewalk on the south side of Hewitt Avenue from North Griggs Street to North Dunlap Street [S0702]; new sidewalk on the north side of Christie Place from Prosperity Road to Kennard Street [S0703], and new driveway apron at 1918 East Orange Avenue [S0704].

Pat Tepley, 1619 Christie Place, said the neighbors do not feel this quiet, one-way street needs sidewalks but they are in favor of the curbs. Many of the residents are retirees and it could be a financial burden to many people. Also, trees, which are not City trees, could be lost when sidewalks are put in. The neighbors also have a concern about traffic as they want to keep it a quiet street.

Councilmember Bostrom moved to close the public hearing.

Councilmember Bostrom moved to lay over Number S0702 and S0703 and to adopt the remainder.

Adopted as amended Yeas - 7 Nays - 0

22. Third Reading – 07-392 - An Administrative Ordinance establishing the minimum qualifications for the position of Fire Chief.

Council President Lantry moved to introduce an amendment to the requirements of the ordinance. Yeas -6 Mays -0 (Benanav not present)

Angie Nalezny, Human Resources Director, gave a staff report. She stated that when she did the research on the minimum quals that were first written in 2003, there were very common minimum quals around the nation and that holds true today. They include a Bachelor's degree and some level of command experience at the Batallion Chief level or equivalent. She read the names of some of the cities they found in 2003 that have both of these minimum requirements. They are cities similar in size to Saint Paul and pretty much in the same geographical area and not the East and West Coasts. She feels the minimum quals for a Bachelor's degree and management experience are needed.

Councilmember Harris asked if there are any department director or manager positions that do not require a Bachelor's degree. Ms. Nalezny said most of the department directors require a BS degree but there are some that don't indicate that requirement. The current Mayor and the former Mayor, for the majority of positions, did require a BS degree; however, there were a few exceptions. She was quite sure that all the department directors had degrees. For management experience, this is very common.

Councilmember Helgen asked if there are other kinds of relevant management experience that Human Resources would consider if an applicant presented reasonable qualifications. Ms. Nalezny responded she would support other relevant management experience; however, she feels having battalion level in a paid full-time multi-company fire department is ideal. St. Paul's Fire Department provides a lot of services so if someone was a hospital administrator and had all of the fire suppression experience, that person would be looked at as well as, for example, as someone who ran an ambulance service.

Councilmember Helgen asked how a Masters degree is used as a supplement for experience. Ms. Nalezny responded that in their selection criteria for meeting minimum quals, if someone has a Masters degree, they are allowed to substitute up to two years of their Masters degree for the experience required.

Councilmember Harris noted that many private sector organization offer incentives for people to complete degrees and said the City is far behind the private sector in what is offered employees in terms of advancing. He acknowledged that the schedule in the Fire Department is not conducive to attending college. He was concerned that internal candidates have not been promoted and asked what has been done to help firefighters obtain college degrees.

Ms. Nalezny said the apprenticeship program does not require any education upfront but through the three years of the program they get almost the equivalent of an Associates degree. The City-wide tuition reimbursement program is not healthy; there is \$50,000 and the Human Resources budget has not been increased for a long time. Each employee who applies is eligible for a \$600 reimbursement per year and money usually runs out by May of each year.

Discussion ensued amongst the Councilmembers with respect to the education aspect.

(Councilmembers Benanav and Thune were excused from the meeting at this time)

The following appeared to support changes:

Patrick Flanagan, President, Local 21 Saint Paul Firefighters, said they would like to see the language changed. They agree that a four year degree is needed and they believe that a lot of their people will qualify through the apprenticeship program. They have some very talented people in the Fire Department and the experience they have on the street far outweighs any management experience. They are looking for leadership and someone who can be trusted by their peers.

Councilmember Montgomery asked if there was anyone in the department who meets the minimum quals. Mr. Flanagan said he thought there is one person who has a degree, the

qualifications, and the command time and it is believed it could be opened up to about 15-20 of their people. They have people who, when they were district chiefs, worked as captains out of title but they don't have five years command time. He said he feels command time is what's throwing things off instead of management time. Also, a lot of training is on-going.

Keith Morehead, Training Chief with the SPFD and 24-years of experience, said they have concerns about another outsider coming in. He noted that former Chief Steve Conroy only had a GED high school degree and said a college degree does not mean a visionary. He appealed to the Council to change the qualifications in order to give one of their members a chance to be Chief.

Chris Parsons, Secretary of Firefighters Local 21, spoke in support of the amendment presented by Flanagen and talked about on-the-job education they have. He concurred that education is not fostered on the front end nor advancement through education. He noted they work a 56-hour week making it difficult to attend college.

Jim Casci, 2234 Beech Street, said a college degree is not necessary and that Bob Morrison would make a good Chief. He urged that a Chief be hired within.

Councilmember Montgomery moved to close the public hearing. Yeas - 4 Nays - 0 (Helgen not present)

Council President Lantry asked Angie Nalezy if Captains can be called up to be District Chiefs whether they would then qualify. Ms. Nalezny responded in the affirmative and asked any firefighter who feels they're in that position to contact her.

Amended and laid over to May 23 for final adoption

(Councilmember Benanav was excused from the meeting at this time)

23. Resolution – 07-439 – Approving the application of Frontier Fellowship, represented by Pastor Julie Jacobs, Owner/Manager, for a sound level variance in order to present live music, with limitations, on May 17 through June 1, 2007 from 4:00 p.m. to 8:00 p.m. in the parking lot at 1115 Greenbrier Street.

Bill Gunther, Department of Safety and Inspections, said about 60 notification cards were sent out. A phone call was received saying a letter was going to be faxed but it was not received.

Councilmember Bostrom moved to close the public hearing and approval.

Adopted Yeas - 5 Nays - 0

24. Resolution – 07-440 – Approving the petition of Mark Arth to vacate the north/south alley right-of-way in part of Block 2, Snelling Park (Addition) and to dedicate a new culde-sac for alley turnaround.

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing. Yeas -5 Nays -0

Councilmember Montgomery read a letter from the Snelling Hamline District Council in opposition.

Councilmember Montgomery moved to deny the petition saying she feels vacating the alley will cause more problems to the surrounding neighbors and business owners. She suggested that Mr. Arth work with the community members to find an alternative to the alley vacation as recommended by District 13 Community Council.

Councilmember Montgomery moved to re-open the public hearing to allow Mr. Arth to speak. Yeas -5 Nays -0

Mike Rozman, attorney for Mr. Arth, appeared and said the vacation would allow for parking. He explained what has transpired recently in this area and the difficulty of people accessing the property. Vacating the alley will create one large parcel.

Councilmember Montgomery moved to close the public hearing. Yeas -5 Nays -0

Councilmember Montgomery moved to deny the petition.

Councilmember Harris said he would support the motion but encouraged the applicant to seek City support of a variance on the width or have someone from Public Works explain why a driveway has to be 32 ft. wide. If that wasn't the case, it could be solved without having the alley vacation.

Resolution Failed Yeas -5 Nays -0

25. Resolution – 07-441 – Approving the petition of the City of Saint Paul to vacate two lots along White Bear Avenue for sale to the Housing and Redevelopment Authority of the City of Saint Paul and their subsequent resale to existing businesses for parking purposes.

Warren Haney, 1787 E. Minnehaha Avenue, said he did not want to see more businesses go in this area. Council President Lantry clarified that it will remain parking.

Councilmember Bostrom moved to close the public hearing and approval.

Adopted Yeas - 5 Nays - 0

26. Resolution – 07-442 – Approving the petition of the City of Saint Paul to vacate two vacant parcels abutting property owned by Agriliance, LLC, 50 Chester Street, and to exchange those parcels with a parcel owned by Agriliance in the immediate vicinity.

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing and approval. Adopted Yeas -5 Nays -0

27. Resolution Ratifying Assessment – 07-443 – In the matter of the assessment of benefits, cost, and expenses for repair of sanitary sewer connections from July through December 2006. [SWRP0701]

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval. Adopted Yeas - 5 Nays - 0

28. Resolution Ratifying Assessment – 07-444 – In the matter of the assessment of benefits, cost, and expenses for replacement of lead water service lines, as requested by the property owner, at 1150 Pacific Street. [0603LDSRP2]

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval. Adopted Yeas - 5 Nays - 0

(The meeting was recessed from 7:25 to 7:30)

Present -5 Absent -2 (Benanav, Thune – both excused)

29. Resolution Ratifying Assessment – 07-445 – In the matter of the assessment of benefits, cost and expenses for the repair of sanitary sewer/storm sewer connections, at the request of the property owners, in conjunction with the Chatsworth/Goodrich RSVP Project. [File No. 18976C]

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval. Adopted Yeas -5 Nays -0

30. Resolution – 07-446 - Establishing a stay in implementation of Council File #06-838, an Order to Remove or Repair 537 Mount Curve Boulevard.

Marcia Moermond, Legislative Hearing Officer, noted that the City Council previously granted the owners 180 days for rehabilitation of the property. When the rehabilitation was barely started at the expiration of the 180 days, another Legislative Hearing was held to make a recommendation to the Council as to whether it was advisable to grant an additional period of time to complete the rehabilitation or to proceed with the demolition. In the process of conducting the Legislative Hearing and working with the

Councilmember, it was established that there were a number of conditions that had to be met in order for the Council to grant additional time. Those conditions included the posting of a \$10,000 performance bond, a work plan demonstrating an understanding of the scope of the project, the items covered in the code compliance inspection, and providing specific one month benchmarks that will be reported in the Legislative Hearing, a revised financial plan demonstrating the capacity to complete the project, and the use of a competent project manager to manage the project. All conditions have been met to her satisfaction, Moermond, said.

Bruce Hoppe, 531 Mt. Curve, said they want to show good faith that something will be done. However, the property has been vacant since 1993 so the neighbors do have concerns

Councilmember Harris moved to close the public hearing. Yeas - 5 Nays - 0

Councilmember Harris said this has been a long and contentious problem. He commended Marcia Moermond and her 'team' for their work and encouragement that the property be repaired. Harris said he feels preserving this house is the thing to do. If any of the established conditions are not met, the matter will come back to the Council.

Councilmember Harris moved approval.

Adopted Yeas - 5 Nays - 0

31. Resolution – 07-447 – Ordering the owner to remove the building at 123 Atwater Street within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends approval)

Marcia Moermond, Legislative Hearing Officer, said this was a 'no show' Legislative Hearing but the District Council did appear in favor.

No one appeared in opposition; Councilmember Helgen moved to close the public hearing. Yeas -5 Nays -0

Councilmember Helgen moved to amend the resolution to remove within five (5) days. Adopted as amended Yeas-5 Nays -0

32. Resolution – 07-448 – Ordering the owner to remove the building at 430 Banfil Street within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends approval)

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing and approval.

Adopted Yeas - 5 Nays - 0

33. Resolution – 07-449 – Ordering the owner to remove the building at 432 Banfil Street within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends approval)

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing and approval.

Adopted Yeas - 5 Nays - 0

34. Resolution – 07-450 – Ordering the owner to remove repair the building at 16 Douglas Street within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends approval granting the owner three hundred-sixty (360) days to repair the building)

Marcia Moermond, Legislative Hearing Officer, said 16 Douglas is considered to be an historic property in this neighborhood and, therefore, is somewhat of a sensitive subject with regard to rehabilitation and demolition. However, it is in very bad condition and staff has been struggling to decide what to do. The mortgage holder, the bank, and the attorneys have "come to the table," posted the bond, got the code compliance inspection, paid the past vacant building fees, and, because they are considering seeking designation in doing a survey on the property, she recommended the Council grant 360 days for rehabilitation of the property in order to take into account any historic issues that might come up in the process. The property must be maintained in compliance with all other codes during this time.

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval as amended.

Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas - 5 Nays - 0

35. Resolution – 07-451 – Ordering the owner to remove the building at 826 Stellar Street within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends approval)

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and to remove the building within five (5) days.

Adopted as amended Yeas - 5 Nays - 0

36. Resolution Ratifying Assessment – 07-452 – In the matter of the assessment of benefits, cost, and expenses for summary abatement (property clean-up) at 1080 Earl Street on December 11, 2006 [J0618A1]. (Laid over from April 18 for continuation of public hearing) (Legislative Hearing Officer's recommendation is forthcoming) (Approve the assessment)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval. Adopted Yeas -5 Nays -0

37. Resolution Ratifying Assessment – 07-453 – In the matter of the assessment of benefits, cost, and expenses for summary abatement (property clean-up) at 1684 Stillwater Avenue [J0618A2]. (Laid over from April 18 for continuation of public hearing) (Legislatives Hearing Officer's recommendation is forthcoming)

Marcia Moermond, Legislative Hearing Officer, said Real Estate staff inadvertently turned away the application for disability deferment on this assessment and she is hoping to get the person back in to apply for a deferment. She requested a one month lay over in order to contact the gentleman.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and lay over 30 days.

Laid over to June 13 Yeas - 5 Nays - 0

38. Resolution Ratifying Assessment – 07-454 – In the matter of the assessment of benefits, cost, and expenses for summary abatement for excessive consumption of inspection services for property code violations at 123 Farrington Street billed from September 5 to November 27, 2006. [J0608E1] (Laid over from May 2) (Legislative Hearing Officer's recommendation is forthcoming) (Delete the assessment)

Marcia Moermond, Legislative Hearing Officer, recommended that the Council delete the assessment.

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing and approval as amended.

Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas - 5 Navs - 0

39. Resolution Ratifying Assessment – 07-455 – In the matter of the assessment of benefits, cost, and expenses for removing diseased elm trees from property at 1016 Magnolia Avenue East during winter season 2006/2007. [0701T1] (Public hearing continued from May 2) (Legislative Hearing Officer's recommendation is forthcoming) (Reduce the assessment from a total of \$402.84 to a total of \$200)

Marcia Moermond, Legislative Hearing Officer recommended that the Council decrease the assessment from \$402.84 to \$200.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval as amended.

Adopted as amended (per the recommendation of the Legislative Hearing Officer Yeas -5 Nays -0

40. Resolution Ratifying Assessment – 07-456 – In the matter of the assessment of benefits, cost, and expenses for boarding-up vacant buildings during January and February, 2007 [J0701B]; summary abatements (property clean-up) on private property from February 23 to March 14, 2007 [J0704A]; weekly garbage hauling services from March 6 to March 13, 2007 [J0704G]; and removing diseased elm trees from private property during the winter season 2006/2007 [0702T]. (Legislative Hearing Officer recommends the following:

515 Farrington Street (J0702T) - delete the assessment;

1217 Galtier Street (J0704A) - approve the assessment;

179 Genessee Street (J0704G) - approve the assessment;

499 Grotto Street (J0702T) - approve the assessment and spread the payments over ten (10) years;

1392 Hazel Street North (J0701B) - delete the assessment;

373 Idaho Avenue West (J0702T) - continue to June 6 City Council Public Hearings;

695 Magnolia Avenue East (J0704A) - delete the assessment;

351 Maryland Avenue East (J0704A) - delete the assessment;

365 Maryland Avenue West (J0704A) - delete the assessment;

393 Maryland Avenue East (J0704A) - delete the assessment;

1045 Maryland Avenue East (J0704A) - approve the assessment;

1879 Seventh Street East (J0704A) - recommendation is forthcoming delete the assessment;

735 Snelling Avenue North (J0704A) - approve the assessment;

585 Thomas Avenue (J0704G) - approve the assessment and spread the payments over five (5) years; and

1057 Thomas Avenue (J0701B) - delete the assessment.)

Marcia Moermond, Legislative Hearing Officer, recommended deleting the assessment for 1879 Seventh Street East.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval as amended.

Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas - 5 Nays - 0

Councilmember Helgen moved to reconsider Item 40. Yeas -5 Nays -0

Councilmember Helgen moved to delete the assessment for 373 Idaho Avenue West. Yeas - 5 Nays - 0

Suspension Item:

Councilmember Helgen moved suspension of the rules to consider the following appeal: Yeas - 5 Nays - 0

Appeal of Jennifer Baluyut and Gloria Favis to a Certificate of Occupancy with Deficiencies, which includes Condemnation, for property at <u>955 Jenks Avenue</u>. (Legislative Hearing Officer recommends denying the appeal)

Marcia Moermond, Legislative Hearing Officer, said Legislative Hearings were conducted on May 1 and May 15, 2007. During the May 1 meeting, it was established that there were young children living in both units and the practice is to immediately refer those cases to City Council for consideration. This is a condemnation for both units of the duplex which was written by the Fire Department related to over-occupation of both units. The inspector's measurements of the units were confirmed by the supervisor between the two Legislative Hearings. In the second Legislative Hearing, it came to light that the water bill was unpaid which would provide a second reason for condemnation. The two violations are the primary ones leading to condemnation which is the more serious consideration when reviewing the list of deficiencies. She recommended that the Council deny the appeal of the property owner on those items and to extend the vacate date through the end of June.

At the hearing on May 15, there was discussion about the fact that this was not noticed properly. All of the parties involved agreed that it would be best to have the public hearing at this time.

Gloria Favis, property owner, spoke in opposition to the Legislative Hearing Officer's recommendation. She said the renters in the lower unit had not paid rent for three months. Work was done last January but there are additional repairs to be done. She said she would have difficulty paying the assessment because there is no income on the property and she has decided to sell it. The mortgage loan is \$262,000. In 2002, almost \$67,000 was spent on repairs.

Perry deStefano, attorney representing Ms. Favis, said the upper unit is code for four people and there were five people living there. The lower unit was legal for three and it was rented to five people. He said he has given Ms. Favis a notice of the intent to file an emergency tenant remedy action. The over-crowding in the lower unit is being rectified

as the tenants are moving. This unit will not then be in a condition to be condemned since it was condemned due to over-occupancy. Also, the water bill has been paid. He said he tried to give Ms. Favis an opportunity to move a couple of the tenants from the upper unit to the lower unit, however, she refused to do this. On Friday, May 18, he will file an Emergency Tenant Action to have the owner relocate two tenants to the lower unit or pre-pay for a hotel which would take care of the emergency situation. They are getting estimates on the repairs and he felt they will be able to get a loan from the \$200,000 loan fund, make the repairs, and recoup the costs by special tax assessment. He said the rent for the upper unit has been paid but he was not sure about the lower unit.

Councilmember Bostrom asked why they would spend money to fix up this property when there are safe places available for people to live. Mr. deStefo responded that there is presently a high number of vacant buildings in Saint Paul and a lot of affordable housing is being lost. The rehab is free in that the cost of the repairs can be collected by special tax assessments. Mr. Bostrom said he does not see that happening with this property as it would take a lot of money to fix it up and he sees no sense in doing that.

Councilmember Bostrom moved to close the public hearing. Yeas - 5 Nays - 0

Councilmember Bostrom moved to deny the appeal and extend the vacate date to June 30, 2007.

Appeal Denied and vacate date extended to June 30, 2007

Councilmember Harris moved to adjourn the meeting.

ATTEST:	ADJOURNED at 8:12 P.M.
Mary Erickson Assistant Council Secretary	Kathy Lantry, Council President
Submitted by:	June 13, 2007
Mary Erickson	Minutes approved by Council